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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,954	02/11/2004	Enrique David Sancho	A-363-1 US	4239
7590	03/22/2005		EXAMINER	
Thomas A. O'Rourke Bodner & O'Rourke 425 Broadhollow Road Melville, NY 11747			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b>	SANCHO, ENRIQUE DAVID	
<b>Examiner</b>	Art Unit Charlie C. Agwumezie	3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 02/11/04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/14/04</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____ |
|---|--|

## DETAILED ACTION

### ***Status of claims***

Claims 1 and 2 are cancelled. Claims 3 and 4 are amended. New claims 5-15 are added. Claims 3-15 are now pending in this application.

### ***Specification***

1. The abstract of the disclosure is objected to because it is more than 150 words in length. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 3, 4, 5, 6, 7, 10, 11, 12 13 14, are rejected under 35 U.S.C. 102(e) as being anticipated by Sixtus U.S. Patent 5,903,721.

3. As per claim 3, Sixtus discloses a method for performing secure electronic transactions on a computer network, said network comprising a buyer's computer, a vendor server, a creditor server, and a security server, said buyer's computer having a fingerprint file stored in the memory thereof (fig. 1), including the steps of:

i) one or more of a vendor server, a creditor server or a security server, activating a diagnostic program to diagnose on a buyer computer whether the buyer computer has labeled components which can be used for generating a fingerprint file for verifying a buyer computer in future transactions (fig. 4B; col. 3, lines 48-60, col. 8, lines 48-56);

ii) said buyer computer requesting to purchase merchandise from said vendor server, said purchase request including said buyer computer's IP address (fig. 2; col. 6, lines 54-64, col. 9, lines 34-43, 57-67+);

iii) said buyer computer selecting a predetermined form of secured payment method (col. 7, lines 37-53, col. 8, lines 15-31);

iv) said payment method selection causing said vendor server to transmit to said security server a request for confirmation of said buyer computer's identity at said buyer computer's IP address (figs. 1 and 2; col. 9, lines 57-67+, col. 10, lines 16-32);

v) said confirmation request causing said security server to send a retrieval request to said IP address, said retrieved request including a retrieval program for detecting and retrieving said buyer's computer's fingerprint file; said retrieval request further comprising a response request asking for confirmation of said purchase request; whereby a positive response from said buyer's computer to said security server accompanied by said fingerprint file causes said security server to confirm said buyer computer's identity to said vendor server and to approve said purchase (fig. 4B and 4D, col. 10, lines 52-67).

4. As per claim 4, Sixtus discloses a method of performing secure electronic transactions on a computer network, said network comprising a buying computer, an ISP computer and a vendor computer, including the steps of:

    said ISP computer assigning to buying computer a Buyer-ID code said and IP address, said Buyer ID code being determined by said ISP computer after activating a diagnostic program to diagnose on a buying computer whether the buying computer has labeled components which can be used can be used for generating a fingerprint file for verifying a buying computer in future transactions (figs. 1 and 4B; col. 3, lines 48-60, col. 5, lines 59-65, col. 8, lines 14-18, 48-56);

said buying computer communicating via said IP computer with said vendor computer and allowing an operator to select merchandise or services for purchase (fig. 4A-B; col. 6, lines 33-52);

said Buyer-ID and buyer computer's IP address are provided to vendor computer programmed to request and receive said information (col. 3, lines 48-60, col. 9, lines 23-33, 40-48);

vendor computer is programmed to use Buyer-ID and buyer computer's current IP address along with information such as desired Item ID, cost and name for generating an electronic purchase inquiry which is transmitted to ISP computer (col. 3, lines 48-60, col. 9, lines 23-33, 40-48);

ISP is programmed such that upon receipt of purchase inquiry from vendor computer, ISP uses combination of IP address and Buyer-ID to determine within ISP'S internal network whether buyer is in fact still online at the address assigned at the beginning of the online session (col. 54-67+, col. 10, lines 52-64);

whereby if buyer computer is determined to be connected to ISP computer at correct address, ISP computer then generates and transmits Transaction Confirmation number and instructs Vendor computer to generate and forward invoice to ISP computer (col. 10, lines 52-67+).

5. As per claim 5, Sixtus discloses in a computer network, a system for performing a secured transaction between a buyer's computer, a security server and one or more of a vendor server or a creditor server (fig. 1), wherein a buyer's computer

is provided with a buyer's identification code (fig. 4B), said buyer's identification code being adapted to be transmitted from said buyer's computer to said security server (fig. 4C), said security server being adapted to compare the buyer's identification code with assigned buyer's identification code, said security server being adapted to communicate with one of either a creditor server or a vendor the results of said comparison (fig. 4D), said one of either a creditor server or said vendor server being adapted to complete a transaction based on the satisfactory comparison of said identification codes (col. 10, lines 53-67+), said identification code including a fingerprint file, said finger print file being generated by one or more of a vendor server, a creditor server or a security server, said server having activated a diagnostic program to diagnose on a buyer computer whether the buyer computer has labeled components which can be used for generating a fingerprint file for verifying a buyer computer in future transactions (fig. 4B, col. 8, lines 48-56).

6. As per claim 6, Sixtus further discloses the network, wherein the buyer's computer is connected through an ISP to vendor's computer and wherein said security server is operated by said ISP (fig. 1; col. 5, lines 59-67+).

7. As per claim 7, Sixtus further discloses the network wherein the identification code includes an internet protocol address (col. 9, lines 24-30, 40-43, col. 10, lines 3-10, col. 12, lines 24-42).

8. As per claim 10, Sixtus discloses a method of performing secure electronic transactions on a computer network comprising:
  - signing a buyer's computer into an ISP's computer (fig. 1, col. 5, lines 59-67), said buyer's computer having been assigned a buyer's identification code (fig. 4B), said buyer's identification code being determined by said ISP activating a diagnostic program to diagnose on a buyer computer whether the buyer computer has labeled components which can be used for generating a fingerprint file for verifying a buyer computer in future transactions (fig. 4B, col. 8, lines 48-56);
  - transmitting a message from a buyer's computer containing an identification code through said ISP's computer (col. 9, lines 34-43);
  - comparing the buyer's identification code with the assigned identification code (col. 10, lines 54-67);
  - connecting the buyer's computer through the ISP to a merchant's computer or a creditor's computer (fig. 1, col. 9, lines 34-36);
  - initiating a transaction between said buyer's computer and said merchant's computer or a creditor's computer (fig. 4A-C), said merchant's computer or creditor's computer relying on the comparison' of the buyer's identification code with the assigned identification code in said transaction (fig. 4D; col. 7, lines 12-23, col. 10, lines 16-28).

9. As per claim 11, Sixtus further discloses the method wherein the transaction is initiated with a merchant's computer (fig. 1).

10. As per claim 12, Sixtus discloses the method wherein the transaction is initiated with a creditor's computer (fig. 1).

11. As per claim 13, Sixtus discloses a method of performing a secured transaction between a buyer's computer and a security server and one or more of a vendor server or a creditor server, comprising:

providing a buyer's computer with a buyer's identification code, said buyer's identification code being determined by activating a diagnostic program to diagnose on a buyer computer whether the buyer computer has labeled components which can be used for generating a fingerprint file for verifying a buyer computer in future transactions (figs. 1 and 4B; col. 3, lines 48-60, col. 5, lines 59-65, col. 8, lines 14-18, 48-56);

transmitting said buyer's identification code being adapted from said buyer's Computer to Said security Server (col. 9, lines 34-43),

said security server comparing the buyer's identification code with an assigned buyer's identification code (col. 10, lines 54-67);

said security server communicating with one of either a creditor server or a vendor the results of said comparison (fig. 4D, col. 10, lines 53-67);

said one of either a creditor server or said vendor server completing a transaction based on the satisfactory comparison of said identification codes (fig. 4D, col. 3, lines 48-60, col. 4, lines 10-17, col. 13, lines 10-15).

12. As per claim 14, Sixtus discloses the method wherein the identification code includes an internet protocol address (col. 3, lines 60-65, col. 6, lines 54-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8, 9 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus U.S. Patent 5,903,721 in view of Examiner's Official Notice.

14. As per claim 8 and 15, Sixtus does not explicitly teach the network, wherein said internet protocol address remain constant throughout a transaction. However, the examiner takes Official Notice that it is old, conventional, and notoriously well known in the art that internet protocol addresses remains constant throughout a transaction once leased or obtained from the issuing server.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to have modified the method of Sixtus and explicitly specifying this criteria for ease of implementation.

15. As per claim 9, Sixtus teaches away the network wherein said buyer's computer has received encryption programming and decryption programming from said security server. However, the examiner takes Official Notice that it is old, conventional, and notoriously well known in the art that encryption programming and decryption programming are scheme of choice in transaction processing over the internet.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Sixtus and explicitly provide encryption/decryption method in order to achieve security and for ease of implementation.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (703) 305-0586. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

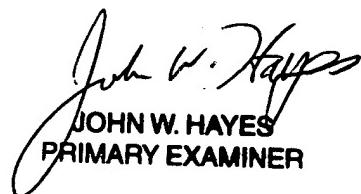
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305 – 9768. The fax phone number for the organization where the application or proceeding is assigned is (703) 305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Acc  
March 15, 2005



JOHN W. HAYES  
PRIMARY EXAMINER